

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

**MARGO SETTLES**

and

**LIAM DAVIS**

*Plaintiffs,*

v.

Case No.: C-24-CV-25-003393

**BRANDON M. SCOTT**

*Individually and in His Official Capacity as  
Mayor of Baltimore  
Office of the Mayor  
100 N. Holliday Street, Room 250  
Baltimore, MD 21202*

and

**THE MAYOR AND CITY COUNCIL OF  
BALTIMORE**

Serve:

Ebony M. Thompson, Esq.  
Office of the City Solicitor  
100 N. Holliday Street, Room 101  
Baltimore, MD 21202

*Defendants.*

**COMPLAINT AND JURY DEMAND**

Plaintiffs Margo Settles and Liam Davis, by and through undersigned counsel,  
hereby sue Defendants Brandon M. Scott and the Mayor and City Council of Baltimore,  
and state as follows:

## **INTRODUCTION**

1. Plaintiffs Margo Settles and Liam Davis were dedicated employees of the City of Baltimore for over a decade. Each was highly regarded by their peers and supervisors and consistently received excellent performance evaluations.

2. Given their dedication to their City and to their communities, and their passion for public service, Mrs. Settles and Mr. Davis each decided to run as Democratic candidates for Baltimore City Council in the May 2024 Primary election. The City's official policies expressly permit its employees to run for public office.

3. After running clean, thoughtful, and commendable campaigns for their respective districts, Mrs. Settles and Mr. Davis each lost their bids for City Council in the May 14, 2024 Democratic Primary.

4. Within six weeks of the election, without notice or explanation, the City terminated Mrs. Settles and Mr. Davis from their municipal jobs.

5. The City terminated Mrs. Settles and Mr. Davis, and potentially other City employees, because of their association with Mayor Scott's political opponents during the Democratic Primary election.

6. Specifically, both Mrs. Settles' and Mr. Davis's campaigns received financial support from then-Councilman Eric T. Costello, who was a vocal supporter of former Mayor Sheila Dixon's attempt to unseat Mayor Scott in the 2024 Democratic

Primary election.<sup>1</sup> As reported by Mark Reutter in the Baltimore Brew, Councilman Costello's support of Mrs. Settles and Mr. Davis contributed to "the animosity that arose between the mayor [Scott] and [former Mayor] Dixon forces[.]" Mark Reutter, *Three Employees Flunk the Mayor's Loyalty Test, While a Fourth Gets a Job with the Sheriff*, Balt. Brew (Aug. 13, 2024), <https://www.baltimorebrew.com/2024/08/13/three-city-employees-flunk-the-mayors-loyalty-test-while-a-third-gets-a-job-with-the-sheriff/>; see also *id.* ("So Davis, who insisted to reporters he was 'neutral' in the mayor's race, appeared a turncoat in the eyes of the Scott [sic], his chief of staff (and former campaign manager) Marvin James and others.").

7. In addition to receiving Councilman Costello's financial support, Mr. Davis is also a close personal friend of Councilman Costello.

8. Mayor Scott ordered Mrs. Settles' and Mr. Davis's supervisors to sign their termination papers even though each of them had excellent performance reviews and their supervisors had no legitimate reason to terminate them.

9. Upon information and belief, Mrs. Settles and Mr. Davis were part of a group of City employees who were terminated upon orders from Mayor Scott immediately following the May 2024 Primary Election due to their association with the Mayor's political opponents.

10. As reported by Mark Reutter in the Baltimore Brew, in addition to Mrs.

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<sup>1</sup> Mark Reutter, *Challengers Are Running Strong Against Costello and Stokes in 11th and 12th Council Districts*, Balt. Brew (May 15, 2024), <https://baltimorebrew.com/2024/05/15/challengers-are-running-strong-against-stokes-and-costello-in-11th-and-12th-council-districts/>.

Settles and Mr. Davis, Mayor Scott also ordered the terminations of Andrew C. Freeman, then-Vice President of East Baltimore Development Inc., and Kimberly Washington, then an operations manager for the Baltimore City Fire Department. Reutter, *Three Employees Flunk the Mayor's Loyalty Test*, *supra*; see also Keith Daniels, *Attorney Says Employee Fired on Scott's Orders: Shakeup Hints at Mayor's Retaliation*, FOX45 News (Aug. 14, 2024), <https://foxbaltimore.com/news/local/fired-on-scotts-orders-baltimore-shakeup-hints-at-mayors-retaliation> (reporting same). Like Mrs. Settles and Mr. Davis, Mr. Freeman and Ms. Washington “were associated with political actors who [supported former Mayor Sheila Dixon] and were openly critical of [Mayor] Scott.” Reutter, *Three Employees Flunk the Mayor's Loyalty Test*, *supra*.

11. The protections afforded by the First Amendment to the United States Constitution and Article 40 of the Maryland Declaration of Rights necessitate that “a government employer, generally, may not fire or demote an employee based on the employee’s exercise of her or his First Amendment freedoms.” *Newell v. Runnels*, 407 Md. 478, 608-09 (2009) (citing *Garcetti v. Ceballos*, 547 U.S. 410, 418 (2006); *O’Hare Truck Serv., Inc. v. City of Northlake*, 518 U.S. 712, 716 (1996)); see also *id.* at 609 (“The protections accorded by Article 40 are generally ‘co-extensive’ with the protections accorded by the First Amendment.”). “Generally, the First Amendment’s right to freedom of political association prohibits government officials from terminating public employees solely for supporting political opponents.” *McCaffrey v. Chapman*, 921 F.3d 159, 164 (4th Cir. 2019).

12. In retaliating against Plaintiffs by terminating their municipal employment

due to their perceived support of and by Mayor Scott's political opponents, Mayor Scott and the City violated Plaintiffs' rights protected by the First Amendment to the United States Constitution and Article 40 of the Maryland Declaration of Rights. Furthermore, Mayor Scott and the City wrongfully terminated Mrs. Settles' and Mr. Davis's employment in violation of Maryland's public policy of protecting freedom of speech and freedom of association.

13. Accordingly, Mayor Scott and the City are liable to Mrs. Settles and Mr. Davis for the economic, reputational, and emotional damages that they have suffered due to Defendants' unlawful actions.

### **PARTIES**

14. Plaintiff Margo Settles is an adult resident of Baltimore City, Maryland.

15. Plaintiff Liam Davis is an adult resident of Baltimore City, Maryland.

16. Defendant Brandon M. Scott ("Mayor Scott") is an adult resident of Baltimore City, Maryland. Mayor Scott is and was, at all times relevant hereto, the Mayor of Baltimore. Plaintiffs bring claims against Mayor Scott both individually and in his official capacity as the Mayor of Baltimore.

17. Defendant the Mayor and City Council of Baltimore (the "City") is a municipal corporation organized under Article XI of the Maryland Constitution and the Charter of Baltimore City.

### **JURISDICTION AND VENUE**

18. This Court has jurisdiction over this action pursuant to Maryland Code, Courts & Judicial Proceedings Article ("CJP") § 1-501.

19. This Court has jurisdiction over the parties pursuant to CJP §§ 6-102 and 6-103.

20. Venue is proper pursuant to CJP § 6-201.

21. Pursuant to CJP § 5-304(b), on February 3, 2025, Plaintiffs provided Defendant the City of Baltimore a notice of claim under the Local Government Tort Claims Act regarding Plaintiffs' claims arising from the allegations below.

### **STATEMENT OF FACTS**

#### ***A. The City's Official Policies Encourage Its Employees to Participate in Politics, Including by Running for Public Office.***

22. The City of Baltimore's Administrative Manual ("AM") contains official City policies that govern City employees.

23. As stated in the Administrative Manual, the City expressly "encourages employees to exercise their right to participate in ... political processes, including the ability to express any political opinion, without fear of penalty or reprisal." (Ex. 1, AM § 200-8 Political Activity).

24. The Administrative Manual further states that City employees "may engage in political activity" including participating in political campaigns, running for a political office, and becoming a candidate for and holding public office. (Ex. 1, AM § 200-8(III)(A)).

25. Additionally, the City requires employees who are "running for an elective and public office [to] request a leave when absent from working[.]" (Ex. 1, AM § 200-8(V)(A)).

26. “A candidate who is successful in winning the elective office is eligible to return to their City position until they are duly sworn and qualified for the position unless a conflict develops concerning their City duties as an employee.” (Ex. 1, AM § 200-8(V)(B)).

27. The Administrative Manual also expressly provides that “[a] candidate who is unsuccessful in election to public office may return to their position.” (Ex. 1, AM § 200-8(V)(C)).

***B. Mrs. Settles Is an Experienced Behavioral Health Professional with Documented Success Leading the City’s EAP.***

28. Mrs. Settles is a behavioral health professional with over twenty years of experience in her field. Her experience includes supporting vulnerable populations, providing clinical services, and supervising therapists and community support workers.

29. As a licensed clinical social worker, Mrs. Settles saw firsthand the substance abuse, violence, and lack of resources that plagued the City.

30. On July 1, 2013, Mrs. Settles joined the City’s Department of Human Resources (“DHR”) as Chief of the Employee Assistance Program (“EAP”).

31. The EAP is a counseling service, staffed by mental health professionals, available to assist City employees experiencing problems adversely affecting their job performance.

32. At all relevant times, Mrs. Settles reported directly to Lindsay Wines, the Assistant Deputy Director of Administration. Additionally, Mrs. Settles reported to Quinton Herbert, the Director and Chief Human Capital Officer for DHR.

33. As Chief of EAP, Mrs. Settles was responsible for managing and overseeing confidential, short-term professional counseling services provided to City employees and their eligible dependents. These counseling services assisted individuals experiencing challenges affecting work performance, health, and well-being.

34. Mrs. Settles ensured that managers, supervisors, and human resource practitioners received consultative and crisis-related services to assist them in navigating complex employee-related issues. Mrs. Settles also developed and presented training modules related to mental health and substance use.

35. In her time leading the EAP, Mrs. Settles consistently supported the City and its employees during some of the most traumatic and sensitive situations, including:

- a. The killing of Freddie Gray and the subsequent protests in Baltimore;
- b. A tragic incident in which an employee shot and killed another employee;
- c. The shooting and killing of a thirteen-year-old at a City recreation center;
- d. The drowning of an employee at a City wastewater plant;
- e. An employee's suicide; and,
- f. The death of a beloved security guard who was tragically killed while providing roadside assistance.

36. In her performance reviews and assessments by her supervisors, Mrs. Settles consistently received glowing feedback and exceeded standards set by DHR.

37. In addition to her stellar work performance, Mrs. Settles also served as Chair of the Violence Assessment Committee for the duration of her employment with EAP and as Fundraiser Chair for the DHR Employment Fair initiative in 2017 and 2018, in which role she helped to raise several hundred thousand dollars for the City.

38. During her tenure with the City, Mrs. Settles received several awards for her exceptional work and positive impact on her community.

39. In July 2019, the City awarded Mrs. Settles a “Certificate of Achievement – Baltimore City Fellowship,” which recognized her for her outstanding performance and dedication to the City of Baltimore and awarded her free tuition for a Doctorate in Public Administration from the University of Baltimore.

40. In April 2023, Mrs. Settles was one of just twelve students in the entire University System of Maryland<sup>2</sup> to win an inaugural Board of Regents Student Excellence Scholarship. Specifically, Mrs. Settles won the Student Excellence Scholarship for Outreach and Engagement for her outstanding achievements in the community and in her doctorate program at the University of Baltimore.

41. In November 2023, Mrs. Settles was named “Supervisor of the Year” for the City of Baltimore; paradoxically, Mrs. Settles was the reigning “Supervisor of the Year” when the City wrongfully terminated her employment just seven months later.

42. Through Mrs. Settles’ extensive community involvement both professionally and in her personal capacity, she worked with almost every agency in Baltimore—interacting with everyone from automotive mechanics, to sanitation workers, to engineers, to directors of agencies.

***C. Mrs. Settles Ran a Commendable Campaign for City Councilmember,  
Ultimately Losing to the Incumbent.***

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<sup>2</sup> The University System of Maryland consists of twelve public higher education institutions and three regional higher education centers in the State. *About the University System of Maryland*, Univ. Sys. of Md., [https://www.usmd.edu/about\\_usm/](https://www.usmd.edu/about_usm/).

43. In 2023, Mrs. Settles decided to run for political office and began her campaign for City Council, District 3 as a Democratic Party candidate.

44. In August 2023, Mrs. Settles informed her supervisor, Ms. Wines, and DHR Director, Mr. Herbert, that she intended to run for office. Both Ms. Wines and Mr. Herbert responded positively to Mrs. Settles, expressed their support for her campaign, and did not mention any concern or conflict regarding her position as a City employee.

45. In accordance with City policies, Ms. Wines and Mr. Herbert approved Mrs. Settles' request for four weeks of leave in the month before the Democratic Primary election, scheduled for May 14, 2024.

46. In October 2023, Ryan Dorsey, the incumbent and Mrs. Settles' rival candidate, announced his bid for re-election for City Council, District 3.

47. In April 2024, Mr. Dorsey publicly endorsed the incumbent Mayor Scott, who in turn endorsed Mr. Dorsey.<sup>3</sup>

48. Also in April 2024, Mrs. Settles and former Mayor Sheila Dixon discussed mutual support for each other's campaigns. Although they never officially endorsed each other, nor contributed money to each other's campaigns, their volunteers distributed each other's flyers, and they displayed their ads on the same advertisement truck.

49. On May 14, 2024, Mrs. Settles lost the Democratic Primary election to Mr. Dorsey.

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<sup>3</sup> See Emily Sullivan, *Scott Gets Endorsement Boost from Middleton, a Key Moderate Voice on Council*, BALT. BANNER (Apr. 23, 2023, updated Apr. 24, 2024), <https://www.thebaltimorebanner.com/politics-power/local-government/city-council-mayor-endorsements-CT7JTDKIEJA6JJWALIWM43CFTQ/>.

***D. Six Weeks after the Primary Election, the City Wrongfully Terminated Mrs. Settles' Employment Due to Her Constitutionally Protected Political Activity.***

50. On May 16, 2024, Mrs. Settles returned from her four-week leave of absence at EAP.

51. On June 10, 2024, Mrs. Settles belatedly received her 2023 annual manager performance review from Ms. Wines, who gave her a glowing review and positive feedback for having exceeded expectations. Ms. Wines gave Mrs. Settles an overall rating of “exceeds expectations” and reported that “Margo is an excellent supervisor and Chief of EAP (Employee Assistance Program). She values the work of her team and is always willing to go above and beyond in any situation.”

52. On June 26, 2024, Mrs. Settles received her 2024 mid-year manager assessment, where Ms. Wines gave another positive review. Ms. Wines reported that “Margo excels in her management of the City’s Employee Assistance Program and continues to provide strong support to her staff, DHR and City of Baltimore employees.”

53. On June 28, 2024—just six weeks after Mrs. Settles had returned to work after losing the election and two days after receiving Ms. Wines’ positive review—the City abruptly terminated Mrs. Settles’ employment without explanation. The only justification provided by the City for its decision was that Mrs. Settles’ “employment with the City of Baltimore is at will.” (Ex. 2, Settles Termination Notice).<sup>4</sup>

54. As her supervisors informed her of the termination, Mr. Herbert and Ms.

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<sup>4</sup> Mrs. Settles was relieved of her job duties immediately, but her final day of employment was officially August 2, 2024.

Wines were both crying. Mr. Herbert told Mrs. Settles that informing her of her termination was “the worst day of his professional career.”

55. On July 29, 2024, Mrs. Settles learned from another City employee that, during a meeting attended by Deputy Mayor Simone Johnson, among others, shortly after the primary election, the Mayor’s Office, on behalf of Mayor Scott, gave an instruction to terminate Mrs. Settles due to her association with the Mayor’s political opponents during her campaign against Mr. Dorsey. Mrs. Settles also learned from this City employee that, during the same meeting, the Mayor’s Office, on behalf of Mayor Scott, gave a similar instruction regarding “the guy in transportation,” referring to Mr. Davis.<sup>5</sup>

56. Other than briefly being introduced at a fundraiser in December 2023, Mrs. Settles and Mr. Davis did not know each other prior to their terminations in June 2024.

57. On August 30, 2024, Mrs. Settles received a Notice of Benefit Determination from the Maryland Department of Labor regarding her application for unemployment benefits. Through this notice, Mrs. Settles learned that she, allegedly, “was discharged or suspended by mayor’s office City of Baltimore . . . as a result of poor work performance.” (Ex. 3, Notice of Benefit Determination).

58. However, Mrs. Settles’ notice of termination did not make any reference to “poor work performance”; in fact, it provided no explanation at all for her termination.

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<sup>5</sup> As a deputy mayor, Ms. Johnson oversaw both DOT and DHR, as well as other City agencies. Ms. Johnson announced that she was leaving her role in the Mayor’s Office on February 20, 2025. See Lee O. Sanderlin, *City Administrator Creating New Deputy Mayor Job to Improve City Services*, Balt. Banner (Feb. 22, 2025), <https://www.thebaltimorebanner.com/politics-power/local-government/baltimore-water-sewer-trash-mayor-scott-XD324AROPJE3NDQ2BWAVUNZNBY/>.

Additionally, when informing Mrs. Settles of her termination, both Ms. Wines and Mr. Herbert confirmed that Mrs. Settles did not have any negative performance evaluations or other performance issues leading to the termination.

***E. The City's Wrongful Termination of Mrs. Settles Has Been Devastating to Her Personal and Professional Well-Being.***

59. By August 2024, various news outlets began reporting on the controversial circumstances in which Mrs. Settles, Mr. Davis, and at least two other employees were abruptly terminated after the May Democratic Party primary. As reported in the publications, the Mayor's Office perceived these four employees as allies of Mayor Scott's primary opponent, former Mayor Sheila Dixon.<sup>6</sup>

60. The effects of Mrs. Settles' abrupt and public termination were traumatic, resulting in lasting negative effects. Her health, personal relationships, and even the well-being of her child have suffered because of the trauma from being fired in such a public and humiliating manner.

61. Defendants' unlawful conduct has caused significant financial distress for Mrs. Settles and her family.

62. Mrs. Settles had to apply for unemployment insurance benefits with Maryland's Department of Labor. From August 2023 until her benefits lapsed in January 2024, she was subsisting on a total weekly amount of \$430, for a maximum benefit of

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<sup>6</sup> See, e.g., Reutter, *Three Employees Flunk the Mayor's Loyalty Test*, *supra*; Daniels, *Attorney Says Employee Fired on Scott's Orders*, *supra*; Mark Reutter, *Fired EBDI Officer Threatens to Sue Mayor Scott for Political Retaliation*, Balt. Brew (Sept. 3, 2024), <https://www.baltimorebrew.com/2024/09/03/former-top-ebdi-officer-threatens-to-sue-mayor-scott-for-political-retaliation/>.

\$11,180.

63. After losing her health insurance coverage, it has been difficult for Mrs. Settles to afford her prescription medications. Additionally, she is unable to afford childcare for her three-year-old son. Also, she will receive reduced pension benefits, for which she had been contributing as a City employee, compared to what she would have received if she had not been terminated.

64. Additionally, as a result of Defendants' unlawful conduct, Mrs. Settles has suffered and continues to suffer damages including, but not limited to, severe mental anguish and emotional distress, for which she has sought individual counseling; paranoia and depression, for which she has been prescribed medication; loss of appetite caused by increased stress, which caused her to lose over fifteen pounds within two months of the termination; tension in her marriage, for which she has sought marriage counseling; and inability to socialize for months following the termination.

65. Also as a result of Defendants' unlawful conduct, Mrs. Settles was unable to complete her Certified Public Manager's program, for which she received free tuition as part of being named the Supervisor of the Year, on time due to the increased stress and mental anguish, which affected her ability to focus and maintain her research topic.

66. Mrs. Settles' increased stress and mental anguish, caused by Defendants' unlawful conduct, has also taken a toll on her three-year-old son, who was expelled from his private preschool.

67. Moreover, Defendants' unlawful conduct, and particularly the abrupt and public nature of Mrs. Settles' termination, has also resulted in significant reputational

harm for Mrs. Settles. In particular, she has experienced difficulties in finding similar employment for which she is otherwise qualified.

***F. Mr. Davis Is an Experienced Legislative Affairs Manager with a Track Record of Success.***

68. Mr. Davis was a dedicated employee for the City of Baltimore for over twelve years.

69. In September 2011, Mr. Davis began his career for the City as a Community Liaison working for then-Baltimore City Council President Bernard C. “Jack” Young in the City Council President’s Office. In November 2017, Mr. Davis was promoted to a Legislative Assistant for Mr. Young.

70. After seven and a half years developing his skills in community engagement and legislative affairs while working for Mr. Young, in April 2019, Mr. Davis accepted an offer as Legislative Affairs Manager for the City’s Department of Transportation (“DOT”).

71. DOT is one of the City’s largest agencies, tasked with overhauling and maintaining aging infrastructure in a city that has been losing a significant portion of its tax base over the past 75 years. DOT’s responsibilities include managing roads, sidewalks, alleys, street lights, traffic signals, and bridges; overseeing traffic engineering to ensure the safe and efficient flow of vehicles, pedestrians, and cyclists; and handling permits for construction, events, and other activities that impact City roads.

72. Nonetheless, Mr. Davis was prepared for the challenges inherent in working for DOT and excited to use his experience in constituent service and legislative

relationships to begin tackling some of the agency's unresolved issues.

73. Over the course of five years working for DOT, Mr. Davis built what was widely regarded as one of the best government affairs teams in City government. He and his team were responsible for managing and executing many of DOT's notable policy efforts, including:

- a. Maintaining public ownership of the City's municipal conduit network, which routes electric, fiber-optic, and telephone lines beneath City streets, in response to BGE's efforts to purchase the conduit;
- b. Establishing and chairing the City's Electric Vehicle Work Group, which continues to lead the City's electric vehicle charger efforts;
- c. Securing State authorization for speed cameras on Interstate 83; *see* House Bill 967 (2021);
- d. Updating the City's Ceremonial Street Sign Program; *see* Balt. Code Regs. 14.06.05.01 *et. seq.*;
- e. Securing State authorization for automated enforcement of dedicated bus lanes; *see* House Bill 53 (2022);
- f. Restoring the City's Highway User Revenue Formula, which calculates the amounts of certain capital grants based on highway user revenues that are required to be appropriated to the City; *see* House Bill 1187 (2022); and
- g. Advancing the City's first official Transit-Oriented Development designations from the State DOT for properties abutting Baltimore's Penn Station and Reisterstown Plaza Metro Station.

74. In addition to managing the execution of these DOT policy efforts, Mr. Davis helped to advance dozens of DOT's City Council Bills.

75. Mr. Davis also responded to thousands of constituent emails, phone calls, and texts that were forwarded to him by members of the Mayor's Office, City Council,

and Baltimore City State Delegation.<sup>7</sup>

76. Because of his experience and the results that he achieved, Mr. Davis developed a stellar reputation and quickly become known as the “go to” person to get things done at DOT.

***G. Mr. Davis Ran a Clean, Thoughtful Campaign for City Councilmember, Ultimately Losing to His Opponent.***

77. Mr. Davis began considering a run for public office in May 2022.

78. At that time, Mr. Davis contacted the Baltimore City Ethics Board requesting guidance on the rules, regulations, and policies applicable to City employees running for public office. The Ethics Board responded to Mr. Davis in June 2022, sending him a memo written by the City Department of Law providing guidelines for City employees engaged in political activities. Mr. Davis studied this memo and adhered to the guidelines provided therein.

79. Shortly after receiving the memo from the City Department of Law, Mr. Davis notified his immediate supervisor, Chief of Staff Veobia Akilo, and next-level supervisor, then-Director of DOT Steve Sharkey, of his intention to run for public office. Mr. Davis’s supervisors thanked him for being transparent about his plans and expressed no concern about his intention to run for public office. Mr. Sharkey recommended that Mr. Davis inform Mayor Scott of his plans to run for office prior to making a public announcement, which Mr. Davis attempted to do multiple times.

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<sup>7</sup> The Baltimore City State Delegation refers to members of the Maryland General Assembly who represent districts in Baltimore City.

80. In October 2022, Mr. Davis requested a formal opinion from the City Department of Law regarding whether, given that the City DOT was a recipient of federal funding, the Hatch Act<sup>8</sup> would impact his ability to run for public office. The Department of Law responded that the Hatch Act would only apply to an employee whose salary was fully funded by federal grants. Because Mr. Davis's position was funded by state Highway User Revenue funds, not federal funds, the Hatch Act did not apply to him.

81. After receiving the Department of Law's guidance that the Hatch Act did not apply to him, Mr. Davis decided to move forward with his candidacy for City council.

82. Out of respect for the Mayor, Mr. Davis texted Mayor Scott twice—in October and November 2022, respectively—asking for an opportunity to speak with him regarding District 1. Although Mr. Davis had no obligation to do so, he felt compelled to have a conversation with the Mayor regarding Mr. Davis's intention to run a clean, thoughtful campaign focused on solving municipal issues without disparaging the Mayor's administration. Mayor Scott never responded to Mr. Davis's request to connect, so they were not able to have the open discussion that Mr. Davis had hoped for.

83. Mr. Davis began assembling his campaign team for Baltimore City Council, District 1 in fall 2022.

84. In compliance with the City's ethical regulations regarding political activity by City employees, Mr. Davis utilized his leave time for all political activity conducted

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<sup>8</sup> The Hatch Act, 5 U.S.C. §§ 7321–7326 (1939), is a federal law that places limitations on the political activities of federal employees, as well as certain state and local government employees who work in connection with federally funded programs.

during regular work hours. Mr. Davis discussed with his supervisor, Ms. Akilo, each instance of his using leave time to conduct political activities, and Ms. Akilo approved each request.

85. While running his campaign in his personal time, Mr. Davis never faltered in delivering the required services of his position with DOT. He often worked on DOT matters late into the evening to ensure that there was no lapse in his job performance.

86. Mr. Davis formally announced his candidacy for City Council, District 1 after the conclusion of the Maryland General Assembly session in April 2023. Mr. Davis chose to wait to announce his candidacy until the legislature adjourned to further ensure that his campaign did not hinder his ability to accomplish his duties as Legislative Affairs Manager for DOT.

87. On June 8, 2023, Mr. Davis met with the Mayor's Chief of Staff, Marvin James, at Mr. James's request. During the meeting, Mr. Davis stated his intention to run a clean, thoughtful campaign that would balance having critical conversations with voters while simultaneously expressing continued support for the Mayor's administration's existing efforts.

88. In spring 2024, both then-Councilman Costello (Mr. Davis's close personal friend) and former Mayor Jack Young (Mr. Davis's first boss) announced their support for former Mayor Dixon in the Mayor's race against Mayor Scott.<sup>9</sup>

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<sup>9</sup> See Ryan Dickstein, *Baltimore Mayoral Candidates Announce New Major Endorsements*, WMAR2 News (Apr. 8, 2024), <https://www.wmar2news.com/local/baltimore-mayoral-candidates-annouce-new-major-endorsements>.

89. In April 2024, Mr. Davis began a forty-five-day leave of absence from his position with DOT to focus his efforts full time on his campaign in the weeks leading up to the election. Through tireless efforts, Mr. Davis's campaign raised funds and knocked over 20,000 doors of voters in the 1<sup>st</sup> Councilmanic District.

90. On May 14, 2024, Mr. Davis lost the Democratic Primary election for City Council, District 1 to Mark Parker.

***H. Five Weeks after the Primary Election, the City Wrongfully Terminated Mr. Davis's Employment Due to His Constitutionally Protected Political Activity.***

91. Mr. Davis returned to work at DOT on May 27, 2024.

92. Upon returning, Mr. Davis discussed with his supervisor, Ms. Akilo, a mutual interest in staying on with and moving up within DOT. Mr. Davis suggested to Ms. Akilo that he could help reorganize DOT's Stakeholder Engagement Office after the then-current Director's departure. Ms. Akilo was receptive to this idea. However, Mr. Davis suggested that they table further discussion about his future at DOT until after the City had adopted the Fiscal Year 2025 ("FY25") budget. Ms. Akilo agreed.

93. The City adopted the FY25 budget on Monday, June 17, 2024.

94. That same week, Mr. Davis received a Microsoft Teams invitation for a meeting with DOT's Chief of HR, Jamarr Rayne, scheduled for Friday, June 21, at noon. Mr. Davis asked Ms. Akilo if she knew what the meeting was about, and she responded that Mr. Rayne "said he wants to talk about [Mr. Davis's] future plans with the agency."

95. On June 21, 2024, Mr. Davis, who was working from home that day according to his typical hybrid schedule, logged on to the scheduled Teams meeting at

noon. He waited for the full duration of the scheduled thirty-minute meeting, but no one else logged on.

96. Mr. Davis then went to log on to his regularly scheduled biweekly meeting with the Mayor's Office of Government Relations, but discovered that his Microsoft Teams was no longer working. Mr. Davis attempted to email IT to resolve the issue, but discovered that his email was no longer working either.

97. Mr. Davis began to text DOT's IT Director when, mid-text, he received an email from DOT Director Corren Johnson to his personal email account. The email contained a notice of termination, effective immediately, from Ms. Johnson to Mr. Davis. The notice did not provide any explanation for Mr. Davis's abrupt termination, only stating that his "services are no longer required." (Ex. 4, Davis Termination Notice).

98. Upon receiving the termination notice, Mr. Davis texted Ms. Johnson to thank her for the opportunity to work for DOT. Ms. Johnson immediately called Mr. Davis and told him that anyone would be lucky to have him on their team. Ms. Johnson gave Mr. Davis her personal phone number for him to use as a reference for prospective employers.

99. Regarding his termination, Ms. Johnson told Mr. Davis that she could not go into detail, "if you know what I mean." Mr. Davis understood this to mean that his termination had been ordered by the Mayor's Office, on behalf of Mayor Scott.

100. That same day, Mr. Davis spoke with a senior official in the Mayor's Office who told Mr. Davis that, during his campaign, someone from the Mayor's Office had overheard Mr. Davis in a restaurant say that he was "neutral" regarding the election

for Mayor. The senior official told Mr. Davis that this “didn’t sit well with” Mayor Scott.

101. Throughout his tenure with DOT, Mr. Davis’s performance had been excellent, as reflected by his performance evaluations and repeated praise from his supervisors that his work was important to the work of the agency. The City plainly terminated Mr. Davis for exercising his constitutional rights to associate with the Mayor’s political opponents and to stay neutral in the Mayor’s race.

***I. After Wrongfully Terminating His Employment, the Mayor’s Office Prevented Mr. Davis from Securing Alternative Employment.***

102. Following his abrupt termination, Mr. Davis immediately began applying for jobs. He reconnected with the Administrator and CEO of the Maryland Transit Administration (“MTA”) at the Maryland Department of Transportation (“MDOT”), Holly Arnold, whom he had known years prior when he served first as the Vice Chair and then Chair of the MTA Citizens Advisory Committee. Ms. Arnold informed Mr. Davis that MTA was staffing up private consultants and asked if she could share his resume with her contacts, to which Mr. Davis enthusiastically agreed.

103. Mr. Davis began coordinating meetings with prospective employers, one of which was the civil engineering company RK&K. Mr. Davis had multiple conversations with RK&K’s Director of Rail/Transit, Henry Kay, about being hired to help lead community outreach for the proposed multi-billion-dollar Red Line project.<sup>10</sup> Mr. Kay

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<sup>10</sup> The proposed Red Line is a fourteen-mile east-west transit line that will connect Baltimore County to West Baltimore, Downtown, the Inner Harbor, Fells Point, Canton, and other communities. *See Red Line Project Overview*, Balt. City Dep’t of Transp., <https://transportation.baltimorecity.gov/transportation-projects/red-line>.

mentioned to Mr. Davis that he had seen articles in the press regarding Mr. Davis's termination from DOT, but Mr. Kay was not concerned because he knew Mr. Davis's track record and reputation for success.

104. Mr. Kay told Mr. Davis that, because RK&K has existing contracts with the City, he wanted to make sure that hiring Mr. Davis would not cause any issues. Mr. Davis told Mr. Kay that he did not believe there would be any. Mr. Kay mentioned that Ms. Arnold had a meeting with the Mayor's Office scheduled for the last week of August; she would flag Mr. Davis's potential hiring with RK&K to the City at that time and report back to Mr. Kay.

105. Days later, on August 27, 2024, Mr. Kay informed Mr. Davis that the Mayor's Office "said no go," effectively blocking Mr. Davis's prospective employment with RK&K.

106. To this date, Mr. Davis has yet to find permanent alternative employment, despite his superior qualifications and proven experience in community outreach and legislative affairs.

***J. The City's Wrongful Termination of Mr. Davis Has Been Devastating to His Personal and Professional Well-Being.***

107. As a result of Defendants' unlawful conduct, Mr. Davis has experienced significant financial distress. After his abrupt termination, Mr. Davis was forced to go on unemployment for three months. During that time, he had to draw down his retirement savings in his Deferred Compensation Plan and borrow money from family in order to pay his bills.

108. Since September 2024, Mr. Davis has been working on various short-term contracts for a consulting firm. His current contract pays him a stipend of \$5,000 per month—significantly less than what he was earning with the City, and approximately half of what he would have received with RK&K if Defendants had not blocked that job opportunity for Mr. Davis.

109. Additionally, as a result of Defendants' unlawful conduct, Mr. Davis has experienced significant reputational harm. After what happened with his prospective job with RK&K, Mr. Davis has been unable to secure permanent employment for which he is otherwise qualified for fear of further retaliation from Mayor Scott and the City.

110. Mr. Davis has also experienced mental anguish and emotional distress as a result of Defendants' unlawful conduct. His abrupt, public, and unlawful termination caused him significant disruption to both his personal and professional life, including increased stress and interference with his personal relationships. Additionally, the fact that he was terminated because of his desire to help the City of Baltimore and its residents has taken a toll on Mr. Davis's mental well-being.

### **COUNT I**

#### **42 U.S.C. § 1983 – Violation of the First and Fourteenth Amendments – Freedom of Speech and Freedom of Association (All Plaintiffs Against All Defendants)**

108. Plaintiffs incorporate and restate the allegations in the foregoing paragraphs as if fully set forth herein.

109. Plaintiffs engaged in conduct protected by the First Amendment (incorporated through the Fourteenth Amendment) by associating for political purposes

while running for public office and speaking on matters of public concern in connection with their political campaigns.

110. Subsequently, Defendants terminated Plaintiffs' employment.

111. There was a causal nexus between Plaintiffs' protected conduct and Defendants' decision to terminate their employment, in violation of Plaintiffs' rights protected by the First and Fourteenth Amendments.

112. In terminating Plaintiffs' employment for exercising their constitutionally protected rights, Defendants acted with reckless indifference to Plaintiffs' protected rights; additionally, or in the alternative, Defendants acted with evil motive or intent.

113. At all relevant times, Defendant Scott was acting under color of law and within the scope of his employment as the Mayor of Baltimore.

114. Plaintiffs' terminations resulted from the City's official policy, custom, or practice of terminating City employees whom the Mayor perceives as being associated with and/or supported by the Mayor's political opponents. Additionally, or in the alternative, Plaintiffs' terminations were ordered by the final policymaker for the City—namely, Mayor Scott.

115. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and continue to suffer damages, including but not limited to lost wages and benefits, reputational harm, humiliation, mental anguish, emotional distress, and pain and suffering.

WHEREFORE, Plaintiffs Margo Settles and Liam Davis demand judgment against Defendants Brandon M. Scott, individually and in his official capacity as Mayor

of Baltimore, and the Mayor and City Council of Baltimore in an amount to be determined at trial, but in excess of seventy-five thousand dollars (\$75,000), plus interest, punitive damages in an amount to be determined at trial, attorney's fees, costs, and such other and further relief as this Court deems just and proper.

## **COUNT II**

### **Violation of the Maryland Declaration of Rights – Article 40 – Freedom of Speech and Freedom of Association (All Plaintiffs Against All Defendants)**

116. Plaintiffs incorporate and restate the allegations in the foregoing paragraphs as if fully set forth herein.

117. Plaintiffs engaged in conduct protected by Article 40 of the Maryland Declaration of Rights by associating for political purposes while running for public office and speaking on matters of public concern in connection with their political campaigns.

118. Subsequently, Defendants terminated Plaintiffs' employment.

119. There was a causal nexus between Plaintiffs' protected conduct and Defendants' decision to terminate their employment, in violation of Plaintiffs' rights protected by the Maryland Constitution.

120. In terminating Plaintiffs' employment for exercising their constitutionally protected rights, Defendants acted with evil motive or intent.

121. At all relevant times, Defendant Scott was acting under color of law and within the scope of his employment as the Mayor of Baltimore.

122. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and continue to suffer damages, including but not limited to lost wages and

benefits, reputational harm, humiliation, mental anguish, emotional distress, and pain and suffering.

WHEREFORE, Plaintiffs Margo Settles and Liam Davis demand judgment against Defendants Brandon M. Scott, individually and in his official capacity as Mayor of Baltimore, and the Mayor and City Council of Baltimore in an amount to be determined at trial, but in excess of seventy-five thousand dollars (\$75,000), plus interest, punitive damages in an amount to be determined at trial, attorney's fees, costs, and such other and further relief as this Court deems just and proper.

### **COUNT III**

#### **Wrongful Termination in Violation of Public Policy (All Plaintiffs Against All Defendants)**

123. Plaintiffs incorporate and restate the allegations in the foregoing paragraphs as if fully set forth herein.

124. Plaintiffs engaged in conduct protected by the First and Fourteenth Amendments to the United States Constitution and Article 40 of the Maryland Declaration of Rights by associating for political purposes while running for public office and speaking on matters of public concern in connection with their political campaigns.

125. Subsequently, Defendants terminated Plaintiffs' employment.

126. There was a causal nexus between Plaintiffs' protected conduct and Defendants' decision to terminate their employment, in violation of the clear mandate of public policy favoring freedom of speech and freedom of association, as expressed in the First Amendment to the United States Constitution and Article 40 of the Maryland

Declaration of Rights.

127. In terminating Plaintiffs' employment for exercising their constitutionally protected rights, Defendants acted with evil motive or intent.

128. At all relevant times, Defendant Scott was acting under color of law and within the scope of his employment as the Mayor of Baltimore.

129. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and continue to suffer damages, including but not limited to lost wages and benefits, reputational harm, humiliation, mental anguish, emotional distress, and pain and suffering.

WHEREFORE, Plaintiffs Margo Settles and Liam Davis demand judgment against Defendants Brandon M. Scott, individually and in his official capacity as Mayor of Baltimore, and the Mayor and City Council of Baltimore in an amount to be determined at trial, but in excess of seventy-five thousand dollars (\$75,000), plus interest, punitive damages in an amount to be determined at trial, attorney's fees, costs, and such other and further relief as this Court deems just and proper.

#### **COUNT IV**

##### **Tortious Interference with Prospective Business Relations (Plaintiff Davis Against All Defendants)**

130. Plaintiffs incorporate and restate the allegations in the foregoing paragraphs as if fully set forth herein.

131. Upon information and belief, during the meeting between MTA Administrator Arnold and the Mayor's Office in August 2024, Defendants told Ms.

Arnold to instruct RK&K Director of Rail/Transit Mr. Kay not to hire Mr. Davis with RK&K.

132. Defendants' conduct in instructing RK&K not to hire Mr. Davis was intentional, willful, and calculated to cause damage to Mr. Davis's lawful business—namely, his prospective employment with RK&K. Defendants' conduct was perpetrated with the intentional and improper purpose of causing damage and was without justifiable cause. Additionally, Defendants acted with evil motive or intent.

133. Upon information and belief, Defendants used improper means, including but not limited to intimidation, defamation, and/or injurious falsehoods, to prevent Mr. Davis from securing his prospective employment with RK&K.

134. As a direct and proximate result of Defendants' conduct, Mr. Kay withdrew his job offer to Mr. Davis with RK&K.

135. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff Davis has suffered and continues to suffer damages, including but not limited to lost wages and benefits, reputational harm, humiliation, mental anguish, emotional distress, and pain and suffering.

WHEREFORE, Plaintiff Liam Davis demands judgment against Defendants Brandon M. Scott, individually and in his official capacity as Mayor of Baltimore, and the Mayor and City Council of Baltimore in an amount to be determined at trial, but in excess of seventy-five thousand dollars (\$75,000), plus interest, punitive damages in an amount to be determined at trial, attorney's fees, costs, and such other and further relief as this Court deems just and proper.